IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO.6440 OF 2005

Sachin Dharma Farande ...Applicant
vs.
State of Maharashtra and ors. ...Respondents

Mr.Nitin Jamdar for the Applicant
Mr.A.S.Gadkari,A.P.P. for State

CORAM: A.S.OKA,J.
DATE : OCTOBER 6,2005

P.C.:

1. Heard Advocate appearing for the Applicant and the learned A.P.P. for State. After arguing the application for some time on merits, the learned Advocate for the Applicant on instructions of the brother of the Applicant who is stated to be present in the Court submitted that the Applicant is not pressing this application on merits at this stage and the trial may be directed to be concluded expeditiously. He pointed out that the prosecutrix has gone back to Australia and there is an apprehension that the trial may be delayed due to non-availability of the prosecutrix for recording evidence. Shri Gadkari, learned A.P.P. on instructions of the Investigating Officer stated that the prosecutrix has gone back to Australia and she has informed the Investigating Officer that she is willing to appear in the Court for recording of the evidence as and when trial begins.

2. The Applicant has stated that he will not press this

application at this stage. Considering the facts and circumstances of the case and considering the relative young age and the status of the Applicant, this is a fit case where the trial should be concluded expeditiously. The learned A.P.P. stated that the prosecution proposes to examine about 10 witnesses including the panch witnesses. If the trial is not concluded within reasonable time, the Applicant will be free to apply for grant of bail.

3. Hence I pass the following order :

i) Application is rejected as not pressed.

ii) The case is already committed to the Sessions Court. If the Fast Track Court is available which is empowered to try the case the learned Sessions Judge will immediately assign the trial to the Fast Track Court. The concerned Court will conclude the trial as expeditiously as possible and preferably within a period of four months from today. If the Trial is not concluded within reasonable time or the if the trial is unduly delayed due to non-appearance of the prosecutrix, the Applicant will be entitled to apply afresh for grant of bail.

iii) Application is disposed of in above terms.

JUDGE